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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,779	01/18/2001	Kazuhiko Akasaka	1086.1133 (JDH)	5962

21171 7590 06/17/2004

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EXAMINER

BATES, KEVIN T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/761,779

Applicant(s)

AKASAKA ET AL.

Examiner

Kevin Bates

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4, 5</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to a communication made on January 18, 2001.

The Preliminary Amendment was received on January 18, 2001.

The Foreign Priority Documents were received on January 18, 2001.

The Information Disclosure Statements were received on January 28, 2002 and February 11, 2004.

Claims 1-56 are pending in this application.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5-13, 16-28, 31-43, and 46-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Herr-Hoyman (5727156) (Applicants IDS).

Regarding claim 1, 12, 20, 27, 35, 42, and 50, Herr-Hoyman discloses a network system constructed by a client and a server (Column 2, lines 12 – 15), comprising: a set information obtaining unit which is provided for said client (Column 2, lines 15 – 20), requests connection information to said server (Column 5, lines 36 – 41) by an information obtaining request using user identification information (Column 5, lines 47 –

55), and sets the connection information which is received as its response; and a set information providing unit which is provided for said server and transmits the connection information which is obtained by using said user identification information received from said client to the client (Column 8, lines 13 – 20; lines 41 – 44).

Regarding claims 2, 13, 21, 28, 36, 43, and 51, Herr-Hoyman discloses that said connection information is information which is used when a file is transferred from said client to said server (Column 2, lines 47 – 61; Column 3, lines 31 – 44).

Regarding claims 5, 16, 31, and 46, Herr-Hoyman discloses that the client is a registered user of said server was recognized from a set mail address (Column 3, lines 31 – 44), said set information obtaining unit issues the information obtaining request using said user identification information (Column 3, lines 57 – 67).

Regarding claims 6, 22, 37, and 52, Herr-Hoymann discloses that said server provides an establishing service of a homepage and, when the information obtaining request from said client is received, said server performs an establishing process of the homepage by using said user identification information and, thereafter, transmits requested information to said client (Column 2, lines 25 – 42; Column 9, line 57 – Column 10, line 40).

Regarding claims 7, 23, 38, and 53, Herr-Hoyman discloses that the information obtaining request is received from said client, said server performs said establishing process in the case where a homepage corresponding to the user who is specified by said user identification information is not established yet (Column 3, lines 45 – 55; where the figure 3 flow chart is the initialization of the website/homepage).

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Regarding claims 8, 24, 39, and 54, Herr-Hoyman discloses that said homepage establishing service is provided to the registered user (Column 3, lines 51 – 56; Column 9, lines 34 – 49).

Regarding claims 9, 17, 25, 32, and 47, Herr-Hoyman discloses that said client has a transfer processing unit which transfers the file to said server, and when the file is designated and the transmitting operation is performed, said client activates said set information obtaining unit, obtains the connection information from said server, and transfers said file by said transfer processing unit (Column 9, lines 1 – 32).

Regarding claims 10, 18, 26, 33, 40, 48, and 55, Herr-Hoyman discloses that the obtaining request of said connection information and its response between said set information obtaining unit of said client and said connection information providing unit of said server are processed by a protocol having a security function (Column 4, lines 1 – 8).

Regarding claims 11, 19, 34, 41, 49, and 56, Herr-Hoyman discloses that said user identification information is constructed by an account name and a password (Column 3, lines 31 – 44).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 14-15, 29-30, and 44-45 rejected under 35 U.S.C. 103(a) as being unpatentable over Herr-Hoyman.

Regarding claims 3, 14, 29, and 44, Herr-Hoyman does not explicitly indicate that in the case where a connection to a network is a dial-up connection, said set information obtaining unit obtains the user identification information which is used for said information obtaining request from a setting input of the dial-up connection, but Herr-Hoyman discloses that the website space is setup through an ISP which could dial-Up connections (Column 1, lines 9 – 23; Column 2, lines 11 - 15) and that the connection to the web creation server gives the client the user ID (Column 1, lines 39 – 41) and stores it as a local variable on the client (Column 3, lines 31 – 33). It would have been obvious to one of ordinary skill in the art at the time the invention was made that if a user was interacting with an ISP that when the ISP needs to assign a unique name to a client that it can use the unique name the client uses to connect though a dialup connection (Column 1, lines 39 – 41).

Regarding claims 4, 15, 30, 45, Herr-Hoyman discloses that in the case where a connection to the network is other than said dial-up connection, said set information obtaining unit uses the user identification information which is inputted from the user for said information obtaining request (Column 3, lines 31 – 44).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6223177 issued to Tatham, because it has a client and server system with identification information.

U. S. Patent No. 6742024 issued to Ono, because it has automated homepage production and authorization system.

U. S. Patent No. 6571290 issued to Selgas, because it has client server system with registration and information uploading.

U. S. Patent No. 6718340 issued to Hartman, because it has client server system with registration and file uploading.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 9, 2004



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER